

FACT SHEET – #17b

SUBJECT: Reports of Survey

1. PURPOSE. To inform commanders of common errors in reports of survey (ROS).
2. FACTS. ROS legal reviews frequently identify errors in the following areas:
 - a. The survey officer must be senior to all subjects of the investigation. AR 735-5, para 13-28b.
 - b. To be held financially liable, the person must have negligently or willfully violated a "particular duty involving the care of property." AR 735-5, para 13-30b. The ROS must state the degree of negligence (simple or gross) or that the act or omission was willful. This finding must be based on the facts.
 - c. The conduct must be the "proximate" cause of the loss. Proximate cause means that the loss would not have occurred but for the act or omission. AR 735-5, para 13-30c.
 - d. If financial liability is recommended, the report must contain the individual's ETS date and monthly pay at the time of the loss. AR 735-5, para 13-32c(6).
 - e. The amount of financial liability should be determined IAW AR 735-5, para 13-42 (liability limits) and App. B. The method used to compute the charges (i.e., actual cost, repaired cost) and depreciation must be shown. If liability is assessed against more than one individual, charges must be computed as shown in AR 735-5, Table 12-4.
 - f. The report should contain proof that the respondent was given notice of the report and an opportunity to submit a rebuttal. If the person held liable is not available locally, notification must be made by certified mail, return receipt requested. AR 735-5, para 13-34 and 13-35.
 - g. If the person found liable submits a rebuttal statement, the survey officer must consider that rebuttal. AR 735-5, para 13-35b(5)-(7).
3. POC is the Administrative Law Division at 7414/4668.

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